

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**STUDY SESSION  
August 22, 2002**

The Board of Supervisors of Maricopa County, Arizona, convened at 10:00 a.m., August 22, 2002, in the Supervisor's Conference Room, Tenth Floor, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Max W. Wilson and Mary Rose Wilcox. Absent: Andy Kunasek. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Executive Assistant; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members on action items will be recorded as follows: (aye-no-absent-abstain).

**DISCUSSION AND ACTION: RESOLUTION ON BALLOT ACTION FOR SALES TAX EXTENSION FOR THE JAIL**

Item: Adopt a resolution for the jail program to place the following measure on the November 5, 2002, General Election ballot for approval by the voters, all as authorized by the Legislature of the State of Arizona A.R.S. §42-6109.01: extending the two-tenths of a percent (.002) jail tax. A "yes" vote shall have the effect of approving an extension of the existing jail sales tax of one-fifth (1/5) of a cent for county jail facilities and programs. A "no" vote shall have the effect of preventing the County from continuing the existing jail sales tax of one-fifth (1/5) of a cent for jail facilities and programs. (C5003020M01) (F23054)

Chairman Stapley asked Sheriff Joe Arpaio to give his thoughts on this matter in an introductory statement. Sheriff Arpaio said that if this sales tax is not extended there will be two new jails for County prisoners and no one to staff them. He reported that there are currently more than 8,000 people in the jails and conditions are very overcrowded. Tent City is celebrating its ninth anniversary and he indicated that it will always be there but he said there is an urgent need for additional space and for more officers to maintain the safety level in the County and in the jails. There are 500 inmate assaults on the books that can be partially attributed to the low officer-to-prisoner ratio of one-to-nine. He indicated that the national average is much higher and he needs additional funds to hire and keep his officers because the current ratio is in the danger zone and puts his officers and the prisoners at risk.

Supervisor Brock asked about the compensation levels for officers and the what kind of turnover rate he is experiencing.

Sheriff Arpaio said that turnover is a vital area of concern because as soon as he hires good people and trains them they are stolen away by the state who can offer them a higher salary plus a hiring bonus. He said, "My officers risk their lives for the rest of us every day and they deserve to be compensated for that. We have to get their salaries up to keep them from leaving, and if this tax extension is passed the money would be available to pay them what they deserve."

Sandi Wilson and Chris Bradley reported on the financial outlook surrounding this resolution, the jails and the County's financial position as a whole. Ms. Wilson said that a public vote on this tax extension is a sober concern, not only for those who work in the jail systems but also for the future of the County. Maricopa County is the fastest growing county in the U.S. and the population is expected to reach 4.5 million by 2018. This will have a huge impact on the County budget as well as the jail population, which is growing at a much faster pace than had been anticipated.

Ms. Wilson said that originally the County had asked for a 1/3 cent, continuing sales tax so the new jails could not only be built but also could be staffed and maintained indefinitely. However, the legislators enacted a 1/5 cent tax for nine years or until it reached \$900 million. The escalating overcrowded facilities made it imperative that the new jails be built as soon as possible and consequently the contracts were let and construction is on budget and on time. She said that County management had been aware

STUDY SESSION  
August 22, 2002

that there would be future issues with operating funds and now with the September 11 recession and the near-bankruptcy financial conditions in state government it has become necessary to go to the public for help.

Chris Bradley said that the County's financial forecast was very different today than it was a year ago. He distributed several handouts and explained the different aspects which included: forecast assumptions; most likely vs. pessimistic major differences; sales tax forecast; general fund expenditure forecast; most likely vs. pessimistic general fund forecast; issues beyond pessimistic; county population growth; jail population growth; general risk issues and criminal justice risks facing Maricopa County; expenditure mandates and non-mandated general funds.

Ms. Wilson said that the recession may or may not be over but the economic recovery is not happening as hoped. She presented a grim preview of possible results if the jail tax does not pass. Financially, property taxes would have to be increased to the maximum levy; Maricopa Integrated Health System clinics and hospital would have to close; County parks could close; there would be longer delays in criminal court cases and serious reductions in the level of services provided. Failure to pass the sales tax extension would also drastically affect operations and old jails may have to be closed down to provide staff and operating expenses for the new jails and, a worse-case scenario would include court ordered releases of inmates to make room for new incarcerations.

David Smith summarized the information. He said that their previous forecasts have been accurate and he expected this current forecast was just as accurate as earlier ones had been. He called it "bottom line reality." He said there were many negative potential consequences if operating funds are not provided that he does not believe the community would want to see happen. He indicated that the last new jail upgrades had been done in 1986 with bond money and more than a million new residents have come into the County since that time. There is now a new jail being completed in downtown Phoenix and new facilities in both the southeast and southwest Valley and he believes the public will want them to be properly staffed and run. He explained that the Board always goes to the public last with any problems because it is collectively believed that it their responsibility as public officials to ask for the least amount of public funds to administer County government. But, he said, having done that very sincerely for the past three and a half years, and looking at every possible method of getting additional monies it has been determined, "that it is not possible to do this responsibility without a continuing modest 1/5 of a cent sales tax, and so I recommend that to you today."

Supervisors Wilcox, Brock and Wilson all expressed their complete support for this request to the Chairman, who was in agreement with their assessment.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt the following resolution for the jail program to place a measure on the November 5 general election ballot as authorized by the legislature of the State of Arizona ARS 42-6109.01 extending the two-tenths of a percent jail tax.

**RESOLUTION**  
**AND CALL FOR ELECTION TO CONTINUE THE EXISTING JAIL SALES TAX**  
**FOR JAIL FACILITIES AND PROGRAMS**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY TO  
CONTINUE PUBLIC SAFETY JAIL AND JUVENILE DETENTION PROGRAMS;  
EXTEND THE EXISTING JAIL FACILITIES EXCISE TAX; SET FORTH PURPOSES**

**STUDY SESSION  
August 22, 2002**

**AND TERM; APPROVE THE CALL FOR ELECTION ON THESE MEASURES TO BE HELD AT THE NOVEMBER 5, 2002 GENERAL ELECTION; AND PROVIDE FOR OTHER MATTERS.**

**WHEREAS**, the Board of Supervisors will be forced to cut critical public safety services without a continuation of the existing jail tax, and

**WHEREAS**, the Maricopa County Board of Supervisors formed a Citizens Advisory Committee on Jail Planning in 1997 to review adult jails and the juvenile detention system and recommend a master plan for their future needs, and

**WHEREAS**, the Citizens Advisory Committee held 19 public meetings and gained consultant evaluations of future needs, concluding that a 15-year, three-phase master plan should be instituted as a public necessity, with an ongoing dedicated revenue source to cover operational costs, and

**WHEREAS**, voters in 1998 overwhelmingly approved a 1/5 cent sales tax to build and operate county jails and fund projects, and

**WHEREAS**, a Citizens Jail Oversight Committee has closely reviewed the County's successful implementation of the programs approved by the voters in 1998, and will continue to scrutinize those programs, and

**WHEREAS**, the Legislature has authorized use of sales taxes for jail programs and facilities statewide through dedicated sales taxes for jail districts in other counties, and by the citizens of Maricopa County to vote on establishing comprehensive jail and criminal justice programs in 1998 and 2002, and

**WHEREAS**, all criminal justice construction projects are on schedule and within budget, ready to be placed into service by the end of 2003, and

**WHEREAS**, Maricopa County has been setting aside general fund dollars annually to build-up a reserve to pay for the nearly \$100 million in annual operating costs once jail facilities open in 2003, and

**WHEREAS**, the downturn in the economy has made the reserve plan unfeasible since sales tax growth has slowed, state-shared revenues are reduced, demand for County services has increased, and projected operational costs exceed the original master plan, and

**WHEREAS**, it will be impossible to cover the full necessary operational costs when the existing jail tax ends, and since the Board of Supervisors does not have the legal authority to raise the necessary revenue from any other source, and

**WHEREAS**, Maricopa County has developed measures to effectively cope with growth in the criminal justice system by expediting case processing, improving technology, and supporting community supervision of appropriate defendants, and

**WHEREAS**, even with all efforts, the jail population has grown to over 8,000 inmates, and

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**STUDY SESSION  
August 22, 2002**

**WHEREAS**, notwithstanding the innovative strategies adopted by the Sheriff to reduce the costs and increase the efficiency of County jails, there are still considerable operational costs to be funded once the new facilities are ready to open, and

**WHEREAS**, Maricopa County has recently been recognized as one of the best run counties in the nation by the Government Performance Project, and

**WHEREAS**, the Legislature, in Laws 2002, Chapter 266, adding A.R.S. §42-6109.01, has granted Maricopa County voters the authority to approve an extension of the existing jail facilities excise tax levy for jail facilities and programs.;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Maricopa County, State of Arizona, as follows:

**SECTION 1. Purpose**

- A. Monies derived from the tax levied pursuant to this Resolution shall be used as set forth in this Resolution to:
  - 1. Finance construction or renovation of adult and juvenile jail facilities.
  - 2. Maintain and operate adult and juvenile jail facilities.
  - 3. Finance programs to reduce the expense of adult and juvenile jail facilities.
- B. For the purpose of this Resolution "Jail Facility" means a jail or other place of detention of persons charged with or convicted of a crime or of persons who are subject to the jurisdiction of the Juvenile Court, including related support facilities.
- C. The County shall maintain its support for maintenance and operation of adult and juvenile jail facilities as required by law. For the purpose of this subsection, "maintenance and operation" includes detention personnel compensation, administrative support costs and costs of maintaining and repairing the facility and grounds.

**SECTION 2. Tax for county jails.**

- A. Under the authority of Arizona Revised Statutes Section 42-6109.01, there is hereby approved a continuation of the levy of the county's jail facilities excise tax of two-tenths of a percent of the tax base (1/5 of a cent) applying to each person engaging or continuing in the county in a business taxed under chapter 5, article 1 of Title 42 of the Arizona Revised Statutes and A.R.S. Section 42-5010 as they may be amended from time to time.
- B. The taxes under this section shall be levied beginning in the month following the expiration of the tax under A.R.S. Section § 42-6109 and may continue for not more than twenty years after the date the tax collection begins. The Board of Supervisors may, by resolution, decrease the rate of tax at any time during the term of the tax.

**STUDY SESSION  
August 22, 2002**

**SECTION 3: Election**

- A. The Board of Supervisors calls for the placement of the measure described in this Resolution on the ballot for the November 5, 2002 General Election for approval by the voters.
- B. The County Elections Director shall prepare the final ballot text and publicity pamphlet for the following measure:

**OFFICIAL TITLE:** COUNTY JAILS: EXTENDING THE EXISTING SALES TAX OF 1/5 CENT

**DESCRIPTIVE TITLE:** Pursuant to authority granted by the State of Arizona, the County seeks voter approval of an extension of the existing jail sales tax of 1/5 cent for county jail facilities and programs.

A "yes" vote shall have the effect of approving an extension of the existing jail sales tax of one-fifth (1/5) of a cent for county jail facilities and programs.

A "no" vote shall have the effect of preventing the County from continuing the existing jail sales tax of one-fifth (1/5) of a cent for jail facilities and programs.

**SECTION 4: Taxes Collected, and Accounting of Revenues Expended**

Maricopa County has prepared a statement of the taxes that have been collected pursuant to the existing jail facilities excise tax (A.R.S. Section 42-6109) and an accounting of how those revenues have been expended by project, program and category. This statement is attached and incorporated by reference in this Resolution, entitled "Summary of Taxes Collected and Expended".

**SECTION 5: Projection of Taxes Anticipated to be Collected Annually**

Maricopa County has prepared a projection of the amount of taxes anticipated to be collected annually if the tax levy under A.R.S. Section 42-6109.01 is approved by the voters. In Section 6 of this Resolution, the County has identified projects, programs and categories for which expenditures are contemplated. The projection and contemplated uses, and estimates of expenditures, are summarized in the "Summary of Anticipated Taxes and Use of Taxes" which is attached hereto and incorporated herein by reference.

**SECTION 6: Projects, Programs, Categories for Which Expenditures are Contemplated**

Priority will be given to programs in the following order: first priority: maintaining and operating the adult and juvenile detention facilities; and second priority: constructing or renovating facilities. If priorities one and two are fully funded, consideration will be given to funding a third priority: financing programs to reduce the expense of adult and juvenile facilities. These priorities will guide annual budgetary reviews and allocations of excise tax revenues collected in accordance with this Resolution.

The County will continue a commitment to reduce crime and improve functioning of the criminal justice system, in order to reduce the expense of adult and juvenile jail facilities. The projects identified in Proposition 400 of 1998, as amended by legislative action, will receive high priority consideration for general fund or other allocations, balanced against other priorities identified during annual budgetary reviews:

- a) Implementing an integrated criminal justice information system.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**STUDY SESSION  
August 22, 2002**

- b) Developing regional centers for courts not of record.
- c) Implementing differentiated case management for criminal cases in Superior Court.
- d) Consolidating criminal divisions of the superior court in the county to a common location.
- e) Expanding pretrial release supervision.
- f) Implementing electronic monitoring of preadjudicated defendants.
- g) Enhancing substance abuse evaluation and programming.
- h) Increasing drug court admissions to include preadjudicated defendants and expanding drug court jurisdiction.
- i) Using community based juvenile detention and post adjudication programs.
- j) Implementing other programs designed to reduce the expense of adult and juvenile facilities.

**PASSED AND ADOPTED** by the Board of Supervisors of Maricopa County on August 22, 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Attachments:

Summary of Taxes Collected and Expended  
Summary of Anticipated Taxes and Use of Taxes

Official Addenda and Exhibits:

1. Maricopa County Jail Election November 5, 2002  
Publicity Pamphlet  
Questions and Answers  
Summary of Taxes Collected and Expended  
Summary of Anticipated Taxes and Use of Taxes  
Introduction and Arguments
2. Executive Summary: Maricopa County Jail Election November 5, 2002
3. August 22, 2002, Jail Funding Needs and Analysis Presentation  
Ten Year Forecast
4. Letters and Communications
  - A. Sheriff Arpaio to the Board of Supervisors
  - B. Chairman Don Stapley Newslines August 2002: Jail Tax Extension
  - C. Citizens Jail Oversight Committee, Arizona Legislature
  - D. Sheriff of Maricopa County: 2002 Jail Election. Sheriff's Office Employee/Posse Briefings 2002
5. Video Presentations: A Public Safety Choice for the 21<sup>st</sup> Century  
Sheriff Joe Arpaio, Chairman Don Stapley, CAO David Smith August, 2002  
Too Many Prisoners 1998, 2002  
July 9, 2002 Sheriff Joe Arpaio, Maricopa County Board of Supervisors

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**STUDY SESSION  
August 22, 2002**

August 22, 2002, Maricopa County Jail Election, Sheriff Joe Arpaio, Maricopa County Board of Supervisors

6. Studies and Reports
  - Jail Population Management Group Annual Reports
  - Maricopa County Adult Average Daily Jail Population
  - Maricopa County Juvenile Average Daily Detention Population
  - Maricopa County Jail Expansion Program CJFDD Monthly Reports
  - Maricopa County Detention Funding Needs History
  - Citizen's Advisory Committee on Jail Planning 1997 Final Reports and Recommendations, Testimony, Reports, Data Studies, Publications
  - Final Reports: Maricopa County Criminal Justice System Planning, 1997
  - Criminal Justice Needs: A Public Safety Crisis: Detention Needs in Maricopa County Report 1997

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

\_\_\_\_\_  
Don Stapley, Chairman of the Board

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board